

IN THE UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF ARKANSAS  
EL DORADO DIVISION

CHARLIE BRICE

PLAINTIFF

V.

CASE NO. 1:16-CV-01094

WENDY KELLY, Director, Arkansas  
Department of Correction

DEFENDANT

**ORDER**

Before the Court is the Report and Recommendation filed June 23, 2017, by the Honorable James R. Marschewski, United States Magistrate Judge for the Western District of Arkansas. ECF No. 9. Judge Marschewski recommends that Defendant's Motion to Dismiss (ECF No. 7) be granted and that this matter be dismissed for lack of jurisdiction. The parties have not filed objections to the Report and Recommendation, and the time to object has passed. *See* 28 U.S.C. § 636(b)(1). Upon review, the Court adopts Judge Marschewski's Report and Recommendation *in toto*. Accordingly, Defendant's Motion to Dismiss (ECF No. 7) is hereby **GRANTED** and this matter is **DISMISSED WITHOUT PREJUDICE**.

**IT IS SO ORDERED**, this 2nd day of August, 2017.

/s/ Susan O. Hickey  
Susan O. Hickey  
United States District Judge